

JOHN M. SORICH (CA Bar No. 125223)
jsorich@adorno.com
S. CHRISTOPHER YOO (CA Bar No. 169442)
cyoo@adorno.com
ADORNO YOSS ALVARADO & SMITH
A Professional Corporation
1 MacArthur Place, Suite 200
Santa Ana, California 92707
Tel: (714) 852-6800
Fax: (714) 852-6899

Attorneys for Defendants
CHASE HOME FINANCE LLC successor by
merger to CHASE MANHATTAN MORTGAGE
CORPORATION and CHASE BANK USA
formerly known as CHASE MAHNATTAN BANK
USA N.A.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHRISTA P.C. SULLIVAN,

Plaintiff,

v.

CHASE HOME FINANCE, LLC, CHASE
MANHATTAN MORTGAGE
CORPORATION, CHASE MANHATTAN
BANK USA, N.A., ADVANTA MORTGAGE
CORPORATION USA, ADVANTA
NATIONAL BANK, SWISS REINSURANCE
COMPANY LIMITED and DOES 1 through
100, inclusive,

Defendant.

CASE NO.: C09-02876-SI

JUDGE: Hon. Susan Illston

**STIPULATION TO POSTPONE
PENDING MOTIONS TO DISMISS AND
CASE MANAGEMENT CONFERENCE;
AND ORDER THEREON**

Action Filed: April 1, 2009

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1 Plaintiff Christa P.C. Sullivan ("Plaintiff"), defendant Swiss Re Life & Health America Inc.
 2 ("SRLHA"), and defendants Chase Home Finance LLC successor by merger to Chase Manhattan
 3 Mortgage Corporation and Chase Bank USA, N.A. f/k/a Chase Manhattan Bank USA, N.A.
 4 (together "Chase Entities"), by and through their respective attorneys of record, agree and stipulate
 5 as follows:

6 1. WHEREAS, on October 16, 2009, the parties to this action stipulated pursuant to
 7 Civil L.R. 16-9 and ADR L.R. 3-5 to participate in a Private Process ADR in an effort to resolve
 8 their disputes.

9 2. WHEREAS, on October 19, 2009, both SRLHA and Chase Entities filed separate
 10 motions to dismiss Plaintiff's First Amended Complaint pursuant to FED. R. CIV. PROC. 12(b)(6)
 11 and obtained separate hearing dates of December 18, 2009 for SRLHA's motion and January 22,
 12 2010 for Chase Entities' motion.

13 3. WHEREAS, on October 22, 2009, the Court ordered this action referred to a Private
 14 Process ADR as stipulated by the parties on October 16, 2009.

15 4. WHEREAS, on November 6, 2009, the Court continued the separate hearing dates for
 16 SRLHA's and Chase Entities' separate motions to dismiss to February 12, 2010 to allow the parties
 17 time to participate in a Private Process ADR in an effort to resolve their disputes.

18 5. WHEREAS, on December 16, 2009, Plaintiff, SRLHA and Chase Entities
 19 participated in a Private Process ADR with Justice Laurence Kay (Ret.) and agreed to meet again for
 20 another session with Justice Kay on February 12, 2010.

21 6. WHEREAS, to accommodate the schedule of counsel for the Chase Entities, the
 22 second session of mediation with Justice Kay of ADR Services was postponed from February 12,
 23 2010 to March 1, 2010.

24 7. WHEREAS, on February 25, 2010, the Court continued the separate hearing dates for
 25 SRLHA's and Chase Entities' separate motions to dismiss to April 16, 2010 to allow the parties to
 26 continue to participate in a Private Process ADR in an effort to resolve their disputes.

27 8. WHEREAS, Plaintiff has not yet filed any opposition to either SRLHA's or Chase
 28 Entities' motions to dismiss, and Plaintiff's oppositions to these motions are due to be filed by not

1 later than March 26, 2010.

2 9. WHEREAS, on March 1, 2010, the second session of mediation took place.
3 Although the parties did not resolve this matter at the second session of mediation, the parties are
4 still engaged in settlement discussions. Moreover, Justice Kay, the mediator, supports the
5 continuance of SRLHA's and Chase Entities' motions to dismiss and the case management
6 conference, given that the parties are currently concentrating their efforts and resources on resolving
7 this case.

8 10. THEREFORE, Plaintiff, SRLHA and Chase Entities agree to continue the April 16,
9 2010 hearing date on SRLHA's and Chase Entities' separate motions to dismiss to May 7, 2010 (or
10 to such other date after May 7, 2010 that is most convenient for the Court) and to complete
11 oppositions and replies according to the Federal Rules of Civil Procedure using such date as the
12 hearing date for SRLHA's and Chase Entities' motions to dismiss.

13 11. THEREFORE, Plaintiff, SRLHA and Chase Entities agree that once the Court has
14 advised these parties of the date most convenient for hearing SRLHA's and Chase Entities' motions
15 to dismiss, SRLHA and Chase Entities will file a notice of continuance of the April 16, 2010 hearing
16 date pursuant to Civil L.R. 7-7 before March 26, 2010.

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12. THEREFORE, Plaintiff, SRLHA and Chase Entities agree to continue the Case
Management Conference, currently set for April 16, 2010 at 3:00 p.m., to May 7, 2010 at ~~9:00 a.m.~~ 3:00 p.m.
to be heard along with the motions to dismiss.

DATED: March 23, 2010

MANNION and LOWE

By /s/ Wesley M. Lowe

Wesley M. Lowe
Attorneys for Plaintiff
CHRISTA P.C. SULLIVAN

DATED: March 23, 2010

CARROLL, BURDICK & MCDONOUGH LLP

By /s/ Alan P. Jacobus

Alan P. Jacobus
Shay Aaron Gilmore
Attorneys for Defendant
SWISS RE LIFE & HEALTH AMERICA INC.

DATED: March 23, 2010

ADORNO YOSS ALVARADO & SMITH
A Professional Corporation

By /s/ S. Christopher Yoo

JOHN M. SORICH
S. CHRISTOPHER YOO
Attorneys for Defendants
CHASE HOME FINANCE LLC successor by
merger to CHASE MANHATTAN MORTGAGE
CORPORATION and CHASE BANK USA fka,
CHASE MAHNATTAN BANK USA N.A.

PURSUANT TO STIPULATION, IT SO ORDERED.

Dated: Susan Illston

Susan Illston
United States District Court Judge

All motions set for 5/7/10 at 9:00 a.m.

PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF ORANGE***Sullivan v. Chase Home Finance, LLC, et al.*

USDC Case No.: 09-cv-02876 SI

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is **ADORNO YOSS ALVARADO & SMITH, 1 MacArthur Place, Santa Ana, CA 92707.**

On March 23, 2010 I served the foregoing document described as **STIPULATION TO POSTPONE PENDING MOTIONS TO DISMISS AND CASE MANAGEMENT CONFERENCE; AND ORDER THEREON**

on the interested parties in this action.

☒ by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **BY REGULAR MAIL:** I deposited such envelope in the mail at 1 MacArthur Place, Santa Ana, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY THE ACT OF FILING OR SERVICE, THAT THE DOCUMENT WAS PRODUCED ON PAPER PURCHASED AS RECYCLED.

☐ **BY FACSIMILE MACHINE:** I Tele-Faxed a copy of the original document to the above facsimile numbers.

☐ **BY OVERNIGHT MAIL:** I deposited such documents at the Overnite Express or Federal Express Drop Box located at 1 MacArthur Place, Santa Ana, California 92707. The envelope was deposited with delivery fees thereon fully prepaid.

☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).

☐ **BY ELECTRONIC SERVICE:** I emailed such document to the above email address.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on March 23, 2010, at Santa Ana, California.


 Vicki Warren

SERVICE LIST

Sullivan v. Chase Home Finance, LLC, et al.
USDC Case No.: 09-cv-02876 SI

Wesley Martin Lowe, Esq.
Edward Gerard Mannion, Esq.
Mannion & Lowe
655 Montgomery Street, Suite 1200
San Francisco, CA 94111

Telephone: (415) 733-1050
Facsimile: (415) 434-4810
wlowe@sbcglobal.net
gmannon@sbcglobal.net

Attorneys for Plaintiff

Terrance James Evans, Esq.
Peter James Whalen, Esq.
Duane Morris, LLP
One Market, Spear Tower, Suite 2000
San Francisco, CA 94105-1105

Telephone: (415) 937-3000
Facsimile: (415) 957-3001
tjevans@duanemorris.com

Attorneys for Defendants Advanta Mortgage Corp. and Advanta National Bank

Alan Palmer Jacobus, Esq.
Carroll Burdick & McDonough, LLP
44 Montgomery Street, Suite 400
San Francisco, CA 94104

Telephone: (415) 989-5900
Facsimile: (415) 989-0932

Attorneys for Swiss Reinsurance Co.

John L. Jacobus, Esq.
Leah M. Quadrino, Esq.
Steptoe & Johnson, LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036

Telephone: (202) 429-3000
Facsimile: (202) 429-3902
lquadrino@steptoe.com
jjacobus@steptoe.com